

Jen DeMaster

From: Warren Buliox <warren.buliox@MWHLawGroup.com>
Sent: Thursday, January 11, 2024 2:00 PM
To: Jen DeMaster; Joseph M. Russell; Kerrie Murphy
Cc: Paralegal; Brooke Klingbeil; Trisha Simcox; Julie Bittner
Subject: RE: Wolf v. City et. al.
Attachments: Draft 3_jd comments to MWH edits to Wolf Stipulated Protective Order.docx

Good afternoon Jen,

On the public records issue, we can agree to the following language:

“Neither the City of Sheboygan nor its officials herein may designate any information or documentation requested in this matter as “Confidential” or “Attorney Eyes Only” where the information or documentation requested has previously been released by the City of Sheboygan in response to a public records request unless the information or documentation is protected from disclosure under the attorney-client privilege, work product doctrine, and/or any other reasonably applicable privilege or immunity from disclosure.”

On the 502 privilege paragraph, we understand the context and parameters of the rule but, regardless of that particular rule of evidence, we intend to assert privilege when appropriate.

Finally, back with “Draft 3” of the protective order, you indicated in a comment on page 8 (under Paragraph C) that you would not oppose inclusion of language regarding interrogatories, deposition transcripts, etc. if the Sheboygan Defendants insisted on it. Sheboygan Defendants would like this language included.

Thanks again, and please let me know your position and if you would like to discuss any of this.

—Warren

Warren E. Buliox

Equity Partner

D: 414.509.7490

M: 414.530.0200



Milwaukee Office:

735 N. Water Street, Suite 610

Milwaukee, Wisconsin 53202

T: 414.436.0353 | **F:** 414.436.0354

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From: Warren Buliox
Sent: Wednesday, January 10, 2024 10:59 PM
To: Jen DeMaster <Jennifer@demasterlaw.com>; Joseph M. Russell <joseph.russell@vonbriesen.com>; Kerrie Murphy <kerrie.murphy@mwhlawgroup.com>
Cc: Paralegal <Paralegal@demasterlaw.com>; Brooke Klingbeil <Brooke.Klingbeil@mwhlawgroup.com>; Trisha Simcox <Trisha.Simcox@mwhlawgroup.com>; Julie Bittner <julie.bittner@mwhlawgroup.com>
Subject: RE: Wolf v. City et. al.

Thank you Jen. I should be able to get back to you on this tomorrow morning or early afternoon.

—Warren

Warren E. Buliox

Equity Partner

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From: Jen DeMaster <Jennifer@demasterlaw.com>

Sent: Tuesday, January 9, 2024 1:23 PM

To: Warren Buliox <warren.buliox@MWHLawGroup.com>; Joseph M. Russell <joseph.russell@vonbriesen.com>; Kerrie Murphy <kerrie.murphy@mwhlawgroup.com>

Cc: Paralegal <Paralegal@demasterlaw.com>; Brooke Klingbeil <brooke.klingbeil@MWHLawGroup.com>; Trisha Simcox <trisha.simcox@mwhlawgroup.com>; Julie Bittner <julie.bittner@MWHLawGroup.com>

Subject: RE: Wolf v. City et. al.

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Joe and Warren:

Attached to this email are 2 documents: (1) The ***UPDATED*** "Draft 4" that reflects the most recent edits/deletions and comments re: which provisions are still in dispute or have been agreed to; and (2) a Draft "Agreement" to be bound by this Order that was raised by Joe in his previous response. (I have not seen a draft Agreement from the Sheboygan Defendants (unless I am mistaken in this, warren?)). Please review these attachments and let me know whether this looks alright or which provisions are still in dispute.

Warren: Thanks for your response. To keep things simple, here's where we're at:

- Plaintiff will agree to delete the definitions language in its entirety as requested by the Defendants.
- The "public records" provision needs to stay in, but we have narrowed and more clearly delineated the provision to read as follows: "Neither the City of Sheboygan nor its officials herein may designate any information or documentation requested in this matter as "Confidential" or "Attorney Eyes Only" where the information or documentation requested has previously been released by the City of Sheboygan as a public record under Wisconsin's public records laws (see e.g. Wis. Stats. 19.31 – 19.39) under any provision of this order." *(Note this does not pertain to Defendant Hall).* ****Please note – this is meant to avoid wastes of resources for the parties and the Court.**
- Warren: Regarding the 502(d) privilege provision—we are willing to delete the "in these proceedings" language that your clients' requested ***so long as*** your clients understand that the language we added did not alter, modify, nor change the scope of a standard Rule 502(d) provision. We can agree to that deletion, but do not want to have to exhaust resources if the scope of Rule 502(d) is improperly expanded to withhold information

altogether that has been otherwise published outside of discovery or this litigation. I have searched sample 502(d) orders/provisions and have found many that include this language (“in this litigation” or “in this case” or “in these proceedings”) as that is the standard scope of this provision. See e.g. <https://www.flsd.uscourts.gov/sites/flsd/files/Sample%20Rule%20502%28d%29%20language.pdf>; and see <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=4872&context=flr>. Again, neither the inclusion nor exclusion of the “in these proceedings” language alters or modifies the scope or definition of Rule 502(d)’s reach.



Jennifer DeMaster

Attorney, DeMaster Law LLC

Email : jennifer@demasterlaw.com

Email : jen@jennifermaster.com

Phone: 414-235-7488

Address: 361 Falls Rd #610, Grafton, WI 53024

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